REMARKS

Reconsideration is requested in view of the above amendments and the following remarks. Claims 1 and 2 have been revised. Support for the revisions can be found in, e.g., Figs. 8A-B, where the second member 34 is in direct contact with the first member 33, among other places. Claims 1-21 remain pending in the application.

Claim Rejections – 35 USC § 102

Claims 1-8 and 19-21 are rejected under 35 USC 102(a) as being anticipated by Garthe et al. (US Publication No. 2003/0225429). Applicants respectfully traverse this rejection.

Claim 1 recites a lancet holder that includes a first member and a second member, where the second member is in direct contact with the first member and is movable relative to the first member between a fixing position in which a main body of a lancet is fixed to the lancet holder with a first fixing force and a non-fixing position in which the main body of the lancet is held by the lancet holder with a second fixing force smaller than the first fixing force for facilitated removal from the lancet holder.

As illustrated in Figs. 14A-B, 16A-D, 17A-C, 18A-B, 19A-B and 20A-C, in these illustrative embodiments, a lancet is firmly fixed to a lancet holder while a second member is kept in a fixing position relative to a first member, whereas the lancet can be readily removed from the lancet holder when the second member is brought to the non-fixing position relative to the first member. The present lancet holder including the first and second members helps effectively install and remove the lancet without damaging the lancet holder so that the lancet, which is disposable, can be replaced easily (see, e.g., page 3, lines 8-12 of the specification, among other places).

Garthe et al. fail to teach or suggest a lancet holder that includes a first member and a second member, where the second member is in direct contact with the first member and is movable relative to the first member between a fixing position in which a main body of a lancet is fixed to the lancet holder with a first fixing force and a non-fixing position in which the main body of the lancet is held by the lancet holder with a second fixing force smaller than the first fixing force for facilitated removal from the

lancet holder, as recited in claim 1. Instead, Garthe et al. merely discuss a lancet 30 that appears to be attached to a lancet holder 40 by pressure fitting (see, Garthe et al., paragraph [0013] and Fig. 4). In fact, nowhere do Garthe et al. disclose a mechanism that allows the lancet 30 to be removable relative to the lancet holder 40.

The rejection relies on the cylindrical mass 60 and the lancet holder 40 in Garthe et al. as disclosing the first and second members of the lancet holder recited in claim 1. However, as clearly shown in Fig. 4, position A, the cylindrical mass 60 is not in direct contact with the lancet holder 40 even when they are positioned closest to each other (see Garthe et al., Fig. 4(A)). Moreover, Garthe et al. are completely silent as to a main body of a lancet being held by a lancet holder with a second fixing force smaller than a first fixing force for facilitated removal from the lancet holder. The pressure fitting between the lancet 30 ad the lancet holder 40 would change along with the change of the relative position between the lancet holder 40 and the cylindrical mass 60.

The rejection also seems to rely on the fit between pins 41, 61 with grooves 52, 53 in Fig. 4 of Garthe et al. respectively as disclosing the first and second fixing forces recited in claim 1. The rejection refers to a force provided by groove 53 as a first fixing force recited in claim 1 and a force provided by groove 52 as disclosing a second fixing force recited in claim 1. The rejection contends that since the groove 53 has a larger gradient than groove 52, the first fixing force by groove 53 is to be greater than the second fixing force by groove 52 for facilitate removal from a lancet holder via deflection of arms of lancet holder 40 (see page 3, lines 1-10 of the Office Action).

Applicants respectfully contends that the embodiment in Fig. 4 of Garthe et al. would not teach a main body of a lancet being held by a lancet holder with a second fixing force that is smaller than a first fixing force for facilitated removal from the lancet holder, as recited in claim 1. Instead, as shown in Fig. 4, Garthe et al. merely discuss the lancet holder 40 having a pin 41 attached thereto which moves within groove 52. By rotating a guide sleeve 51 from position A to position B in Fig. 4, the lancet holder 40 is pushed forwards by the pin 41. As a result, a needle 30' of the lancet 30 emerges form a housing 11 through an opening in the contact surface 15 and can puncture a body part that is pressed against it (see Garthe et al., paragraph [0031] and Fig. 4). During this

process, a pin 61 connected to the cylindrical mass 60 is moved through an essential straight region in groove 53 (see Garthe et al., paragraph [0031] and Fig. 4). Garthe et al. is completely silent about any deflection of the left end of the lancet holder 40 toward the outside of the lancet holder 40. On the other hand, Garthe et al. focus on the force by groove 52 that moves the lancet holder 40 forward and backward relative to the contact surface 15. As a result, the force by groove 52 would by no means facilitate removal of the lancet 30 from the lancet holder 40. In fact, neither the force by groove 52 nor the force by the groove 53 is a force that fixes a lancet to a lancet holder as recited in claim 1. Further, Applicants respectfully submit that it is improper to compare the axial fixing function of grooves 53 to the groove 52 which determines the axial position of the lancet holder 40.

For at least these reasons, claim 1 is patentable over Garthe et al. Claims 2-8 and 19-20 depend ultimately from claim 1 and are patentable along with claim 1 and need not be separately distinguished at this time. Applicants are not conceding the relevance of the rejection to the remaining features of the rejected claims.

Claim 21, which includes similar limitations concerning a first member and a second member that are movable relative to each other in a needle extending direction, where the second member is in direct contact with the first member and is movable relative to the first member between a fixing position in which the main body of the lancet is fixed to the lancet holder and a non-fixing position in which the main body of the lancet is allowed to be removed from the lancet holder, is patentable for at least the reason as discussed with regard to claim 1.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claim Rejections – 35 USC § 103

Claims 9 and 16-18 are rejected under 35 USC 103(a) as being unpatentable over Garthe in view of Kageyama et al. (US Patent No. 6,039,485). Applicants respectfully traverse this rejection.

Claims 9 and 16-18 depend ultimately from claim 1 and are patentable over Garthe et al. in view of Kageyama et al. for at least the same reasons discussed above

regarding claims 1-8 and 19-20. Kageyama et al. do not remedy the deficiencies of Garthe et al. Applicants are not conceding the relevance of the rejection to the remaining features of the rejected claims.

Claim 10 is rejected under 35 USC 103(a) as being unpatentable over Garthe et al. in view of Kageyama et al., and further in view of Okumura et al. (US Patent No. 6,226,873). Applicants respectfully traverse this rejection. Claim 10 depends from claim 9 and is patentable over Garthe et al. in view of Kageyama et al., and further in view of Okumura et al. for at least the same reasons discussed above regarding claims 9 and 6-18. Okumura et al. do not remedy the deficiencies of Garthe et al. and Kageyama et al. Applicants are not conceding the relevance of the rejection to the remaining features of the rejected claim.

Claim 11 is rejected under 35 USC 103(a) as being unpatentable over Garthe et al. in view of Kageyama et al. and Okumura et al., and further in view of Searle et al. (US Publication No. 2002/0087180). Applicants respectfully traverse this rejection. Claim 11 depends from claim 10 and is patentable over Garthe et al. in view of Kageyama et al. and Okumura et al. and further in view of Searle et al. for at least the same reasons discussed above regarding claim 10. Searle et al. do not remedy the deficiencies of Garthe et al., Kageyama et al. and Okumura et al. Applicants are not conceding the relevance of the rejection to the remaining features of the rejected claim.

Claims 12-15 are rejected under 35 USC 103(a) as being unpatentable over Garthe et al. in view of Kageyama et al. and Okumura et al., and further in view of Ritson et al. (US Patent No. 5,041,088). Applicants respectfully traverse this rejection. Claims 12-15 depend ultimately from claim 10 and are patentable over Garthe et al. in view of Kageyama et al. and Okumura et al., and further in view of Ritson et al. for at least the same reasons discussed above regarding claim 10. Ritson et al. do not remedy the deficiencies of Garthe et al., Kageyama et al. and Okumura et al. Applicants are not conceding the relevance of the rejection to the remaining features of the rejected claims.

In view of the above, favorable reconsideration in the form of a notice of allowance is respectfully requested. Any questions regarding this communication can be directed to the undersigned attorney, James A. Larson, Reg. No. 40,443, at (612) 455-3805.

Respectfully submitted,

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